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**From:** Fallon, Gail [fallon.gail@epa.gov]  
**Sent:** 10/4/2018 7:32:34 PM  
**To:** Wauters, Patrick [wauters.patrick@epa.gov]  
**Subject:** RE: Coyote Station Title V Permit

That's ok. You can telework tomorrow and maybe we'll chat via email.

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**From:** Wauters, Patrick  
**Sent:** Thursday, October 4, 2018 1:10 PM  
**To:** Fallon, Gail <fallon.gail@epa.gov>  
**Subject:** RE: Coyote Station Title V Permit

I tried checking the records center but I just picked up my new badge today and I haven't been given access to the records center yet 😊 I don't have any Coyote Creek records in my cube, but I believe Mike did print all his associated emails and include them in the physical record so they should be there. Sorry I wasn't able to pull things together better before I'm gone next week! Also, now that I think about it I don't think I ever had full access to Mike's emails. Originally I was given permission to a second inbox with his name but it only showed his folders, no emails. I was told to wait for it to populate but after checking for a few weeks and not seeing anything I must have just forgotten about since I wasn't using his historic emails. I agree it would be important to establish consistent access to it for times like this. Do you need me to come into the office tomorrow instead of teleworking and find the Coyote creek files in the record center?

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**From:** Fallon, Gail  
**Sent:** Thursday, October 4, 2018 12:55 PM  
**To:** Wauters, Patrick <[wauters.patrick@epa.gov](mailto:wauters.patrick@epa.gov)>  
**Subject:** RE: Coyote Station Title V Permit

Hi Patrick – Thanks for sharing the emails. I think it is also important to check for previous source determination documents for Coyote Station power plant. I know it's a pain, but could you possibly locate either in your packed boxes or through the Records Center, documentation of our past position on that? I may not completely understand the issue but I believe it goes beyond NSPS subpart Y for the mine. I can follow up with Mai on the final letters while you're out if we decide these are needed (or let you do it when you get back); I think we have enough for now on the NSPS subpart Y issue.

I didn't realize you had lost access to Mike's email. At some point, we'll need to sort that out, since as I recall there may have been outstanding records management issues with this email. If your understanding is that he printed out everything that's a record and filed it, then maybe we don't need to worry about his email.

Thanks!  
Gail

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**From:** Wauters, Patrick  
**Sent:** Thursday, October 4, 2018 11:27 AM  
**To:** Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>  
**Subject:** RE: Coyote Station Title V Permit

Hi Gail, here are the two relevant emails I turned up regarding Coyote Creek that I was involved in with Mike in late 2016. They explain all that I recall about the situation. The second email contains two document drafts, one was a letter EPA wrote to ND explaining how our interpretation of NSPS subpart Y differed from theirs and how we would consider the open coal piles to be part of the coal processing facility. The second is an amicus brief to the court explaining our

position and defending our interpretation of subpart Y. Should I follow up with Mai to confirm if these letters were actually sent, and get final drafts?

These are both from my email archives, I'm not able to access Mike's emails to dig any farther back. Let me know if you think this is a priority and I can have IT help me access Mike's historic emails.

Thanks,  
Patrick

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**From:** Fallon, Gail  
**Sent:** Wednesday, October 3, 2018 4:30 PM  
**To:** Wauters, Patrick <[wauters.patrick@epa.gov](mailto:wauters.patrick@epa.gov)>  
**Subject:** RE: Coyote Station Title V Permit

Hi Patrick – Thanks for forwarding this. I have not read everything yet, but we will most definitely need to get OAQPS involved and likely ORC/OGC. Even though it may be an old issue, we will be looking at it in a different light based on the April 30, 2018 Meadowbrook letter. As a first step for you, please send me a summary of what you had discussed with Mike (as best you can) along with any relevant previous correspondence between EPA and ND on the source determination for Coyote Station. I'll go ahead and forward the ND package we received today to OAQPS and let them know we are doing some research on our past position and offer this project to ORC for an attorney assignment. I'm also going to involve DJ since you'll be out next week but we'll let you take over again when you get back.

Thanks,  
Gail

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**From:** Wauters, Patrick  
**Sent:** Wednesday, October 3, 2018 2:01 PM  
**To:** Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>  
**Subject:** FW: Coyote Station Title V Permit

Hi Gail, how should we proceed with this? Sounds like ND wants us to weigh in on the issue of Coyote Creek Mining Company (CCMC) and Coyote station being under "common control." I believe this has been a long-running dispute, which Mike Owens filled me in on two years ago, and I had discussed a little with ORC. Should I get in touch with ORC for their take on it, or get help from our staff crafting a reply?

Patrick

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**From:** Thorstenson, Craig D. [<mailto:cthorsenson@nd.gov>]  
**Sent:** Wednesday, October 3, 2018 9:49 AM  
**To:** Wauters, Patrick <[wauters.patrick@epa.gov](mailto:wauters.patrick@epa.gov)>  
**Cc:** JJ England <[jj@braatenlawfirm.com](mailto:jj@braatenlawfirm.com)>; [donn.steffen@nacoal.com](mailto:donn.steffen@nacoal.com); [mthoma@otpc.com](mailto:mthoma@otpc.com)  
**Subject:** Coyote Station Title V Permit

Patrick,

Attached is a copy of a letter regarding the Coyote Station Title V permit.

Feel free to contact us with any questions.

Craig

Craig Thorstenson  
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Permitting Supervisor

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